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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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KHARI S. VARNER, et al.,  
Plaintiff(s),  
v.  
JUDGE GULIANI, et al.,  
Defendant(s).

Case No. 2:23-cv-01869-RFB-NJK

**REPORT AND RECOMMENDATION**

On April 19, 2024, the Court screened Plaintiffs' complaint pursuant to 28 U.S.C. § 1915(e). Docket No. 36. The Court therein identified several deficiencies, including that (1) Plaintiffs filed by petitions for habeas relief and civil rights complaints in the same case, (2) the pleadings were not complete in and of themselves and, instead, consisted of a series of different filings, (3) the most recent complaint was not signed, and (4) the most recent complaint lacked the details required by Rule 8 and appeared to seek relief that is barred by governing Supreme Court precedent. *Id.* at 2-3. As a result, the Court afforded Plaintiffs "a final opportunity" to file a proper amended complaint. *Id.* at 3. The same order also required Plaintiff Tera Strawter to either pay the filing fee or file an application to proceed *in forma pauperis*. *Id.* at 3-4. The amended complaint and Strawter's application to proceed *in forma pauperis* were due by May 20, 2024. *Id.* at 4. The Court warned that "**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL.**" *Id.* (emphasis in original).

1 Strawter did not file an application to proceed *in forma pauperis* and Plaintiffs did not file  
 2 an amended complaint,<sup>1</sup> and the deadline for doing so expired weeks ago. Accordingly, the  
 3 undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice.

4 Dated: June 17, 2024

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 6 Nancy J. Koppe  
 7 United States Magistrate Judge

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 9 **NOTICE**

10 This report and recommendation is submitted to the United States District Judge assigned  
 11 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
 12 recommendation must file a written objection supported by points and authorities within fourteen  
 13 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
 14 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
 15 F.2d 1153, 1157 (9th Cir. 1991).

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 25 <sup>1</sup> Strawter did file a “writ of Certiorari.” Docket No. 38. If this filing was meant to act as  
 26 an amended complaint, it cannot do so for a number of reasons. Most obviously, the document is  
 27 not signed, *but see* Fed. R. Civ. P. 11(a), and was filed by Strawter alone even though she neither  
 28 paid the filing fee nor filed an application to proceed *in forma pauperis*, *but see* 28 U.S.C. §  
 1914(a), 1915(a); *but see also* *Desai v. Biden*, 2021 WL 38169, at \*1 (E.D. Cal. Jan. 5, 2021),  
*adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021) (dismissing case for failing to pay the filing  
 fee or filing application to proceed *in forma pauperis*).